

MORALITY IN MEDIA, INC.

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FCC 41597

July 31, 1997

Secretary
Federal Communications Commission
1919 M. Street
Washington, D.C. 20554

Re: Docket No: MM-97-138
Proposal to Relax

Main Studio and Public Inspection Requirements

Morality In Media submits herewith nine copies of our formal comments in the above matter.

Please be good enough to distribute copies of the same to the Commissioners.

PJM/tp

Paul J. McGeady General Counsel

No. of Copies rec'd O+8 List ABCOE



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Proposal to Relax
Main Studio & Public
Inspection File
Requirements

Comments of Morality In Media

47 CFR Section, 73.3526 relative to commercial stations, presently governs:

- (a) Records to be maintained
- (b) Responsibility in case of assignment
- (c) Stations to which reports pertain
- (d) Location of records
- (e) Period of retention

The Commission proposes to "relax" certain provisions of 73.3526 to:

(1) Allow a station to locate its main studio within the principal community contour of any station licensed to its community of residence.

or

(2) Allow a station to locate its main studio within a radius of a set number of miles (e.g. 50 miles) from the center of its community of license.

or

(3) Either of the above.

and

(4) Allow licensees to locate their local public inspection files at their main studio wherever located.

The Commission has also asked for comment on:

- (5) Various ways to clarify and streamline requirements regarding the content of the public inspection file.
- (6) Deletion of amending requirements.

Morality in Media Inc. objects to any change in the provisions of 73.3526 relating to the location of the Public Inspection File as not in the public interest.

We point out to the members of the Commission that it has correctly stated the reason for the rule in its call for comments as follows:

"These rules are rooted in the obligation of each licensee to serve the needs and interests of its community by seeking to ensure that members of the local community have reasonable access to station management and information about the station".

Morality In Media contends that the proposed changes on the location of the public file directly contradicts the philosophical underpinning and governmental interest enunciated above for the following reasons:

- (a) Any of such changes will, as to various and perhaps many stations, deny the public "reasonable access" to station management and information about the station management in that:
 - (1) Allowing a station to locate its main studio within the principal community (coverage) contour of any station could greatly inconvenience any citizen who wants to inspect the The community contour public file. of a station could be vast. main studio could be at the location of a transmitter in a remote, barely accessible location. In this connection we submit, as Exhibit A, report by the Audio Services Division of the Mass Media Bureau showing that the community coverage

contour of commercial FM station can vary from 16.2 km to 67.7 depending on the ERP and HAAT combination. On the other hand, if the main studio is located in the community of license (usually a city of considerable size and population) the public has ready and reasonable access. As is indicated in 73.311 the community of license is "The principal community to be served". FCC The does not. serve that principal community by making it extremely difficult for members of the "principal" community to view the public files or "maintain a dialogue" with station management. The adoption of such a rule also unfairly discriminates against low power stations in that they will be restricted to a small area contour while the more powerful have a myriad of locations in which to

reside.

- (2) The same objections raised by Morality In Media in Item 1, above, applicable equally to are concept of letting the main studio located 50 miles be from the community of residence. For example, a station licensed to New York City that locates 50 miles away has inconvenienced millions of residents of New York City.
- (3) A further concern of permitting the main studio in the contour or at a set radius (e.g. 50 miles) would be that it literally would permit a station licensed to Detroit Buffalo or San Diego to locate its main studio in Canada or Mexico causing great inconvenience United States citizens (including we assume requiring purchase of auto liability insurance from an approved company) well the as as inconvenience of trans border checks. This is customs not

"reasonable" access.

(4) The proposed rule also ignores the fact that a citizen, who is particular concerned about a station's programming, or perhaps desires to file a Petition to Non-Renew, frequently cannot get all of the information he or she needs on a single visit to the "main" studio. The purpose of the Public inspection Rule as stated in In Re License Renewal Applications of Certain Commercial Radio Stations Serving Philadelphia is:

"To provide the public with information at regular intervals through the license term".

We also draw your attention, as an example of the necessity for multiple visits, to <u>In re</u>

<u>Application of Catocin Broadcasting</u>

<u>Corp. of New York M.M. Docket No.</u>

85-92 File BR-810202VF Br-8400101UA

-FCC releases 87R-12, 89-74 and 89-That case involved whether Catocin made its general public file available for inspection or made a file available that was incomplete or offering a file that did not contain all the documents required by 47 CFR 73.3526. One Mrs. Adams, associates, had visited her station WBUZ on January 7, 1981, January 13, 1981, January 15, 1981, January 18, 1981 and told file was not available. She had to wait until January 27, 1981 to inspect a "fairly complete file" and told to return on February 3, 1981 certain missing documents and again February 23, 1981. People associated with Mrs. Adams visited the station on February 1, 8, 10 and 29th in 1984. All of these visits were to support a Petition for Non-We can see that it took, Renewal. 11 visits to obtain the information. If Mrs. Adams and company were required to travel 100 miles (50 each way) when they desired to make these visits it would be a total 1100 miles. Again this is not "reasonable" accessibility. (Note the license was not renewed).

- (5) From the above and by the use of common sense it is plain that a contour, or a 50 mile rule, will benefit only the station owner and inordinately inconvenience the general public for whose benefit the rule exists. The net result will be that the public will stop inspecting the public files and Petitions for Non-Renewal will effectively become a dead issue (all contrary to the public interest and the rationale for the rule).
- (6) We also note that the call for comments in this matter (97-138) is inadequate. The only persons who can intelligently respond to the meager information provided in the

notice are the Lawyers for the Industry. The rule exists to serve the needs of the public, but how can a member of the public respond in a meaningful manner unless the FCC sets out the dimensions of the issue? For example, there is no explanation of "Principle Community Contour" or are maps or statistics supplied to demonstrate to the general public that the main studio will no longer be in center city, could be anywhere in boondocks. No examples are given. For this reason alone, the proposals should be tabled as obscruations. It is no answer to suggest that the contour maps, the classes of stations, their ERP and HAAT are filed at the main office of the FCC. The public does not understand this and should not have to visit Washington, D.C. from all corners of the nation in order to file an intelligent objection. The public is not served by the paucity of information provided in the call for comments.

Finally, the members of Commission should consider the potential harm caused by these proposed changes to the ability of the FCC to monitor the operation of a station. Today the main studio is located in a busy and populous city, easily available for inspection under 73.1225.-Tomorrow, 50 miles away in any direction including Canada and Mexico. This will cause inconvenience to representatives of the FCC and increased budgetary invasions. In some cases the main studio may be in an isolated village reachable only by car distinguished from bus or subway or cab). FCC inspectors car rentals will be a sine qua non and resultant expense to the taxpayer.

For all of the above, Morality In Media urges that regulations 73.3526 remain untouched in relation to the location of the Public File.

- (b) Insofar as comments are solicited relative to streamlining the contents of the public inspection file, Morality In Media suggests that no changes be adopted relative to maintaining copies of:
 - 1. Petitions to deny.
 - 2. Written citizen's agreements.
 - 3. Community ascertainment programming.
 - 4. Employment agreements.
 - 5. Changes in program services.
 - 6. Correspondence with FCC.
 - 7. Ownership reports.
 - 8. Annual employment reports.
 - 9. Letters received from members of the public.
 - 10. Quarterly list of program on community Issues.
 - 11. Children's programming.

Respectfully submitted

Morality In Media, Inc.

Paul J. McGeady

General Counsel

Dated: July 31, 1997



Audio Services Division



Mass Media Bureau -- Federal Communications Commission 3rd Floor -- 1919 M Street NW -- Washington, DC 20554

FM Station Classes and Service Contours

The following table lists the various classes of FM stations, the reference facilities for each station class, and the protected and city grade contours for each station class. A contour may be visualized by imagining a rough circle surrounding a transmitter site at some distance, where the circle represents a certain field strength value, with greater radio field strengths inside, and lesser radio field strengths outside. The distances to the contours herein were derived using the maximum ERP and HAAT combination permitted for each station class (see 47 CFR Section 73.211), and assumes uniform (flat) terrain in all directions. In practice, the distances to a specified contour for a given FM station in a given direction will vary from the listed value depending on the effects of terrain in that direction.

The listed values are for **commercial FM stations**. This data also holds true for **noncommercial educational stations**, except that the 70 dBu city grade requirement of 47 CFR Section 73.315(a) does not apply to noncommercial educational stations in the portion of the FM band reserved for noncommercial educational use (88.1 to 91.9 MHz). Please note, however, that the 60 dBu contour must encompass at least a portion of the community of license. In addition, please note that the distances to reserved band noncommercial educational stations' protected contours for Class B and Class B1 stations are the same as the distances listed for Class C2 and Class C3 stations, respectively, since the protected contour for all reserved band stations is 60 dBu (1.0 mV/m).

[For FM separation requirements, especially for commercial FM stations, please see our document <u>FM</u> <u>Radio Station Spacing Standards</u>.]

ERP = Effective Radiated Power (in Kilowatts) HAAT = Height (of a transmitter) antenna Above Average Fermin

7/29/97 10·57 AM

FM Station Class	Reference (Maximum) Facilities for Station Class (see 47 CFR Section 73.211)	FM Protected or Primary Service Contour		Distance to Protected or Primary Service Contour (km)	Distance to 70 dBu (or 3.16 mV/m) City Grade or Principal Community Coverage Contour (see 47 CFR Section 73.315(a))
	ERP (in kW) / HAAT (in meters)	dBu	mV/m		(km)
Class A	6.0 kW / 100 meters	60 dBu	1.0 mV/m	28.3 km	16.2 km
Class B1	25.0 kW / 100 meters	57 dBu	0.71 mV/m	44.7 km	23.2 km
Class B	50.0 kW / 150 meters	54 dBu	0.50 mV/m	65.1 km	32.6 km
Class C3	25.0 kW / 100 meters	60 dBu	1.0 mV/m	39.1 km	23.2 km
Class C2	50.0 kW / 150 meters	60 dBu	1.0 mV/m	52.2 km	32.6 km
Class C1	100.0 kW / 299 meters	60 dBu	1.0 mV/m	72.3 km	50.0 km
Class C	100.0 kW / 600 meters	60 dBu	1.0 mV/m	91.8 km	67.7 km

If you have questions about this subject or this page, please contact <u>Dale Bickel at dbickel@fcc.gov</u> at (202) - 418 - 2720.

Return to top of Document: http://www.fcc.gov/mmb/asd/fmclasses.html

Audio Services Division -- Mass Media Bureau -- Federal Communications Commission

This document was updated May 5, 1997.